UNITED STATES DISTRICT COURT SOUTHERN DISTRICT OF NEW YORK

In re Terrorist Attacks on September 11, 2001	03 MDL 1570 (GBD) (FM) ECF Case
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This document relates to: Federal Insurance Co., et al. v. al Qaida, et al., Case No. 03-CV-06978

AFFIDAVIT IN SUPPORT OF REQUEST FOR CLERK'S CERTIFICATE OF DEFAULT AGAINST THE ISLAMIC REPUBLIC OF IRAN

COMMONWEALTH OF PENNSYLVANIA)
)
COUNTY OF PHILADELPHIA)

- 1. J. Scott Tarbutton, being duly sworn, deposes and says:
- 2. I am an attorney admitted to practice *pro hac vice* in the above-captioned multidistrict litigation, and a member of the law firm Cozen O'Connor. I am familiar with the facts and circumstances in this action.
- 3. I submit this Affidavit in support of the *Federal Insurance* plaintiffs' application for entry of default against defendant, the Islamic Republic of Iran ("Iran").
- 4. This is an action to recover damages owed by defendants to plaintiffs for injuries resulting from the September 11, 2001 terrorist attacks upon the United States (the September 11th Attack"). Defendant Iran has been sued based on its participation in a conspiracy to commit acts of international terrorism against the United States, its citizens and allies, of which the September 11th Attack was a direct, intended and foreseeable product.
- 5. The *Federal Insurance* plaintiffs' complaint, summons, and notice of suit, including proper translations of each, filed in the above captioned matter were served upon

defendant Iran pursuant to the Foreign Sovereign Immunities Act, 28 U.S.C. § 1608 et seg.

("FSIA").

6. Service was effectuated on defendant Iran via diplomatic channels by the U.S.

Department of State on December 7, 2004. Proof of service on defendant Iran was subsequently

transmitted to Joseph LaMura, Chief Deputy Clerk for the Southern District of New York, by the

Department of State on January 13, 2005. See MDL Docket No. 1208 (September 8, 2005).

True and correct copies of the Federal Insurance plaintiffs' Affidavit of Service, Return of

Service and supporting Department of State documentation are attached hereto as Exhibit A.

7. Defendant Iran has not answered or otherwise responded to the Federal Insurance

complaint, and the time for defendant Iran to answer or otherwise respond to the complaint has

expired.

8. Accordingly, the Federal Insurance plaintiffs request a Clerk's Certificate of

Default, attached hereto as Exhibit B, to provide to Judge George B. Daniels in connection with

plaintiffs' motion for entry of judgment by default against defendant Iran.

Dated: Philadelphia, Pennsylvania

May 21, 2015

J. Scott Tarbutton, Esq.

Sworn to before me this 21st day

of May, 2015.

COMMONWEALTH OF PENNSYLVANIA

NOTARIAL SEAL JOANNE S. DILLON, Notary Public City of Philadelphia, Phila. County

My Commission Expires August 28, 2015

2